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H.R.392

Boutique Fuel Reduction Act of 2009 (Introduced in House)
HR 392 IH

111th CONGRESS
1st Session
H. R. 392

To amend the Clean Air Act to provide for a reduction in the number of boutique fuels, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

January 9, 2009

Mr. BLUNT (for himself, Mr. KIRK, Mr. HENSARLING, Mr. MCHENRY, Mr. CONAWAY, Mr. FRANKS of Arizona, Mr. AKIN, Mr. UPTON, Mr. SENSENBRENNER, Mr. PETRI, Mr. JONES, Mr. MANZULLO, Mr. MARCHANT, Mr. WHITFIELD, Ms. FALLIN, Mr. KLINE of Minnesota, Mr. ROSKAM, Mr. LINDER, Mr. HERGER, Mr. COLE, and Mr. REHBERG) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Clean Air Act to provide for a reduction in the number of boutique fuels, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the `Boutique Fuel Reduction Act of 2009'.

SEC. 2. TEMPORARY WAIVERS.

Section 211(c)(4)(C)(ii)(II) of the Clean Air Act (42 U.S.C. 7545(c)(4)(C)(ii)(II)) is amended by inserting after `equipment failure' the following: `, unexpected problems with distribution or delivery equipment that is necessary for transportation and delivery of fuel or fuel additives'.

SEC. 3. REDUCTION IN NUMBER OF BOUTIQUE FUELS.

Section 211(c)(4)(C) of the Clean Air Act (42 U.S.C. 7545(c)(4)(C)) is amended as follows:

(1) By redesignating the clause (v) added by section 1541(b) of the Energy Policy Act of 2005 (Public Law 109-58; 119 Stat. 1106) as clause (vi).

(2) In clause (vi) (as so redesignated)--

(A) in subclause (I) by striking `approved under this paragraph as of September 1, 2004, in all State implementation plans' and by inserting in lieu thereof `set forth on the list published under subclause (II) (or on the revised list referred to in subclause (III) if the list has been revised)';

(B) by amending subclause (III) to read as follows:

`(III) The Administrator shall, after notice and opportunity for comment, remove a fuel from the list published under subclause (II) if the Administrator determines that such fuel has ceased to be included in any State implementation plan or is identical to a Federal fuel control or prohibition promulgated and implemented by the Administrator. The Administrator shall publish a revised list reflecting the reduction in the number of fuels.';

(C) in subclause (IV) by striking `Subclause (I)' and inserting `Neither subclause (I) nor subclause (V)' and by striking `not' and by striking `if such new fuel'; and

(D) by amending subclause (IV) to read as follows:

`(IV) Subclause (I) shall not limit the Administrator's authority to approve a control or prohibition respecting any new fuel under this paragraph in a State implementation plan or revision to a State implementation plan if such new fuel completely replaces a fuel on the list published under subclause (II) (or the revised list referred to in subclause (III) if the list has been revised) and if the Administrator, after consultation with the Secretary of Energy, publishes in the Federal Register after notice and comment a finding that, in the Administrator's judgment, such control or prohibition respecting such new fuel will not cause fuel supply or distribution interruptions or have a significant adverse impact on fuel producibility in the affected area or contiguous areas.'.

